

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 JEFFREY SHAWN HENDERSON, 2:04-cv-1341-GEB-CMK-P

12 Petitioner,

13 vs.

ORDER

14 MIKE KNOWLES, Warden,

15 Respondent.
16 _____/

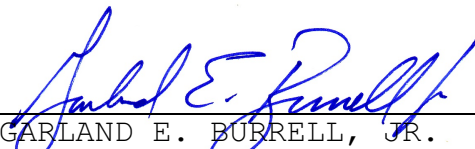
17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's request for
19 a certificate of appealability (Doc. 41), filed on June 29, 2007.

20 Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of
21 this court's denial of his application for a writ of habeas corpus. Before petitioner can appeal this
22 decision, a certificate of appealability must issue. See 28 U.S.C. § 2253(c); Fed. R. App. P.
23 22(b). A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has
24 made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The
25 court must either issue a certificate of appealability indicating which issues satisfy the required
26 showing or must state the reasons why such a certificate should not issue. See Fed. R. App. P.

1 22(b). For the reasons set forth in the magistrate judge's March 6, 2007, amended findings and
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional
3 right.

4 Accordingly, IT IS HEREBY ORDERED that petitioner's request for a certificate
5 of appealability is denied.

6
7 Dated: August 10, 2007

8
9 
10 GARLAND E. BURRELL, JR.
United States District Judge